UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MINERVA INDUSTRIES, INC.,

Plaintiff,

v.

1. MOTOROLA, INC.;
2. NOKIA INC.;
3. ALLTEL COMMUNICATIONS, INC.;
4. AT&T MOBILITY, LLC;
5. DOBSON CELLULAR SYSTEMS, INC. (d/b/a CELLULAR ONE);
6. HELIO LLC;
7. HEWLETT-PACKARD COMPANY;
8. METROPCS WIRELESS, INC.;
9. SPRINT SPECTRUM L.P.;
10. NEXTEL OF TEXAS, INC.;
11. NEXTEL SOUTH CORP.;
12. NEXTEL OF NEW YORK, INC.;
13. NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC.;
14. NEXTEL OF CALIFORNIA, INC.;
15. NEXTEL WEST CORP.;
16. T-MOBILE USA, INC.;
17. TRACFONE WIRELESS, INC.;
18. CELLCO PARTNERSHIP (d/b/a VERIZON WIRELESS);
19. VIRGIN MOBILE USA, LP;
20. HIGH TECH COMPUTER CORP.;
21. HTC AMERICA, INC.;
22. KYOCERA WIRELESS CORP.;
23. LG ELECTRONICS MOBILECOMM U.S.A., INC.;
24. PALM, INC.;
25. PANTECH WIRELESS, INC.;
26. SANYO NORTH AMERICA CORPORATION;
27. UTSTARCOM, INC.;
28. SONY ERICSSON MOBILE COMMUNICATIONS (USA), INC.; and
29. SAMSUNG TELECOMMUNICATIONS AMERICA LLC;

Defendants.

Civil Action No:

The Honorable
United States District Judge

JURY

COMPLAINT AND DEMAND FOR JURY TRIAL

This is an action for patent infringement in which Minerva Industries, Inc. ("Minerva") makes the following allegations against Motorola, Inc., Nokia Inc., Alltel Communications, Inc., AT&T Mobility, LLC, Dobson Cellular Systems (d/b/a Cellular One), HELIO LLC, Hewlett-Packard Company, MetroPCS Wireless, Inc., Sprint Spectrum L.P., Nextel of Texas, Inc., Nextel South Corp., Nextel of New York, Inc., Nextel Communications of the Mid-Atlantic, Inc., Nextel of California, Inc., Nextel West Corp., T-Mobile USA, Inc., TracFone Wireless, Inc., Cellco Partnership (d/b/a Verizon Wireless), Virgin Mobil USA, LP, High Tech Computer Corp., HTC America, Inc., Kyocera Wireless Corp., LG Electronics MobileComm U.S.A., Inc., Palm, Inc., Pantech Wireless, Inc., Sanyo North America Corporation, UTStarcom, Inc., Sony Ericsson Mobile Communications (USA), Inc., and Samsung Telecommunications America LLC (collectively, the "Defendants").

PARTIES

1. Plaintiff Minerva Industries, Inc. ("Minerva") is a California corporation with its principal place of business at 255 S. Grand Avenue, Suite 2004, Los Angeles, California 90012.

2. On information and belief, defendant Motorola, Inc. ("Motorola") is a Delaware corporation with its principal place of business at 1303 East Algonquin Road, Schaumberg, Illinois, 60196-4010.

3. On information and belief, defendant Nokia Inc. ("Nokia") is a Delaware corporation with its principal place of business at 6000 Connection Drive, #18-931, Irving, Texas.

4. On information and belief, defendant Alltel Communications, Inc. ("Alltel") is a Delaware corporation with its principal place of business at One Allied Drive, Little Rock, Arkansas, 72203.

5. On information and belief, defendant AT&T Mobility, LLC ("AT&T"), formerly named Cingular Wireless, LLC, is a Delaware limited liability company and a wholly-owned subsidiary of AT&T, Inc., with its principal place of business at 5565 Glenridge Connector, Atlanta, GA 30342.

6. On information and belief, defendant Dobson Cellular Systems, Inc., doing business as Cellular One ("Cellular One"), is an Oklahoma corporation, with its principal place of business at 14201 Wireless Way, Oklahoma City, Oklahoma, 73134.

7. On information and belief, defendant HELIO LLC ("HELIO") is a Delaware corporation with its principal place of business at 10960 Wilshire Boulevard, Suite 700, Los Angeles, California, 90024.

8. On information and belief, defendant Hewlett-Packard Company ("HP") is a California corporation with its principal place of business at 3000 Hanover Street, Palo Alto, California, 94304.

9. On information and belief, defendant MetroPCS Wireless, Inc. ("MetroPCS") is a Delaware corporation with its principal place of business at 8144 Walnut Hill Lane, Suite 800, Dallas, Texas, 75231-4345.

10. On information and belief, defendant Sprint Spectrum L.P. ("Sprint") is a Delaware limited partnership with its principal place of business at 2001 Edmund Halley Dr., Reston, Virginia 20191.

11. On information and belief, defendant Nextel of Texas, Inc. ("Nextel Texas") is a Delaware corporation with its principal place of business at 8911 N. Capital of Texas Highway, Austin, Texas 78759-7247.

12. On information and belief, defendant Nextel South Corp. ("Nextel South") is a Georgia corporation with its principal place of business at 6575 The Corners Parkway, Norcross, Georgia 30092-3325.

13. On information and belief, defendant Nextel of New York, Inc. ("Nextel New York") is a Delaware corporation with its principal place of business at 565 Taxter Road, Suite 450, Elmsford, New York 10523-2300.

14. On information and belief, defendant Nextel Communications of the Mid-Atlantic, Inc. ("Nextel Mid-Atlantic") is a Delaware corporation with its principal place of business at 2001 Edmund Halley Dr., Reston, Virginia 20191.

15. On information and belief, defendant Nextel of California, Inc. ("Nextel California") is a Delaware corporation with its principal place of business at 1255 Treat Blvd., Suite 800, Walnut Creek, California 94597-7982.

16. On information and belief, defendant Nextel West Corp. ("Nextel West") is a Delaware corporation with its principal place of business at 2001 Edmund Halley Dr., Reston, Virginia 20191.

17. On information and belief, defendant T-Mobile USA, Inc. ("T-Mobile") is a Delaware corporation, with its principal place of business at 12920 SE 38th Street, Bellevue, Washington 98006.

18. On information and belief, defendant TracFone Wireless, Inc. ("TracFone") is a Delaware corporation, with its principal place of business at 9700 NW 112th Avenue, Medley, Florida 33178.

19. On information and belief, defendant Cellco Partnership, doing business as Verizon Wireless ("Verizon"), is a Delaware general partnership with its principle place of business 1 Verizon Way, Basking Ridge, New Jersey 07920-1025.

20. On information and belief, defendant Virgin Mobile USA, LP ("Virgin") is a Delaware limited partnership, with its principal place of business at 10 Independence Boulevard, Warren, New Jersey, 07059.

21. On information and belief, defendant High Tech Computer Corp. ("HTC") is a Taiwanese corporation, with its principal place of business at 23 Hsin Hua Rd., Taoyuan 330, Taiwan, R.O.C.

22. On information and belief, defendant HTC America, Inc. ("HTC America") is a Texas corporation with its principal place of business at 13920 SE Eastgate Way, Suite 400, Bellevue, Washington 98005.

23. On information and belief, defendant Kyocera Wireless Corp. ("Kyocera") is a Delaware corporation with its principal place of business at 10300 Campus Point Drive, San Diego, California, 92121-1511.

24. On information and belief, LG Electronics MobileComm U.S.A., Inc. ("LG ") is a California corporation with its principal place of business at 10225 Willow Creek Road, San Diego, California, 92131.

25. On information and belief, defendant Palm, Inc. ("Palm") is a Delaware corporation, with its principal place of business at 950 West Maude Avenue, Sunnyvale, California, 94085.

26. On information and belief, defendant Pantech Wireless, Inc. ("Pantech") is a California corporation with its principal place of business located at 11240 Warland Drive, Cypress, California, 90630.

27. On information and belief, defendant Sanyo North America Corporation, ("Sanyo") is a Delaware corporation, with its principal place of business at 2055 Sanyo Avenue, San Diego, California, 92154.

28. On information and belief, defendant UTStarcom, Inc. ("UTStarcom") is a Delaware corporation with its principal place of business at 1275 Harbor Bay Parkway, Suite 100, Alameda, California, 94502-6553.

29. On information and belief, defendant Sony Ericsson Mobile Communications (USA), Inc. ("Sony Ericsson") is a Delaware corporation, with its principal place of business located at 7001 Development Drive, Research Triangle Park, North Carolina, 27709.

30. On information and belief, defendant Samsung Telecommunications America LLC ("Samsung") is a Delaware limited liability company with its principal place of business at 1301 Lookout Drive, Richardson, Texas 75082.

JURISDICTION AND VENUE

31. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

32. Venue is proper in this district under 28 U.S.C. §§1391 (b) and (c) and 1400(b). On information and belief, each Defendant has a regular and established place of business in this district, has transacted business in this district, and/or has committed and/or induced acts of patent infringement in this district.

33. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this judicial district.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,321,783

(Against All Defendants)

34. Minerva is owner by assignment of United States Patent No. 7,321,783 (the "783 Patent") entitled "Mobile Entertainment and Communication Device." The '783 Patent issued on January 22, 2008 from United States Patent Application No. 10/719,363 (the "'363 Application"). A true and correct copy of the '783 Patent is attached as Exhibit A.

35. Ki Il Kim is listed as the inventor on the '783 Patent.

36. The '363 Application, from which the '783 Patent issued, was a Continuation Application of the application that issued as United States Patent No. 6,681,120 (the "'120 Patent") on January 20, 2004, also entitled "Mobile Entertainment and Communication Device." Ki Il Kim is listed as the inventor on the '120 Patent, and Minerva is owner by assignment of the '120 Patent. Minerva earlier filed litigation asserting infringement of the '120 Patent in this

judicial district, *i.e.*, Civil Action No: 2-07 CV-229, currently pending before The Honorable T. John Ward, and Civil Action No: 2-07 CV-230, currently pending before The Honorable David Folsom. Minerva intends to seek to consolidate this action with the already pending '120 Patent infringement actions.

37. Defendant Motorola has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Motorola is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Motorola has had actual notice of the '363 Application, which issued as the '783 Patent, since October 18, 2006.

38. Defendant Nokia has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Nokia is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Nokia has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 18, 2006.

39. Defendant Alltel has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Alltel is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271.

40. Defendant AT&T has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant AT&T is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271. AT&T has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least March 23, 2007.

41. Defendant Cellular One has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant Cellular One is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271.

42. Defendant HELIO has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant HELIO is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271. HELIO has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least October 18, 2006.

43. Defendant HP has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices

covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant HP is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271.

44. Defendant MetroPCS has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant MetroPCS is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271.

45. Defendant Sprint has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Sprint is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Sprint has had actual notice of the '363 Application, which issued as the '783 Patent, since at least March 23, 2007.

46. Defendant Nextel Texas has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Nextel Texas is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Nextel Texas has had actual notice of the '363 Application, which issued as the '783 Patent, since at least March 23, 2007.

47. Defendant Nextel South has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication

devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant Nextel South is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271. Nextel South has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least March 23, 2007.

48. Defendant Nextel New York has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant Nextel New York is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271. Nextel New York has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least March 23, 2007.

49. Defendant Nextel Mid-Atlantic has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant Nextel Mid-Atlantic is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271. Nextel Mid-Atlantic has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least March 23, 2007.

50. Defendant Nextel California has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant Nextel California is thus liable for infringement of the ‘783 Patent pursuant

to 35 U.S.C. § 271. Nextel California has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least March 23, 2007.

51. Defendant Nextel West has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant Nextel West is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271. Nextel West has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least March 23, 2007.

52. Defendant T-Mobile has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant T-Mobile is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271.

53. Defendant TracFone has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant TracFone is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271.

54. Defendant Verizon has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant

Verizon is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Verizon has had actual notice of the '363 Application, which issued as the '783 Patent, since at least March 23, 2007.

55. Defendant Virgin has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Virgin is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271.

56. Defendant HTC has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant HTC is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. HTC has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 18, 2006.

57. Defendant HTC America has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant HTC America is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. HTC America has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 18, 2006.

58. Defendant Kyocera has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Kyocera is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Kyocera has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 18, 2006.

59. Defendant LG has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant LG is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. LG has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 18, 2006.

60. Defendant Palm has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Palm is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Palm has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 31, 2006.

61. Defendant Pantech has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant

Pantech is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Pantech has had actual notice of the '363 Application, which issued as the '783 Patent, since at least December 14, 2006.

62. Defendant Sanyo has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Sanyo is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Sanyo has had actual notice of the '363 Application, which issued as the '783 Patent, since at least November 4, 2004.

63. Defendant UTStarcom has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant UTStarcom is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. UTStarcom has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 18, 2006.

64. Defendant Sony Ericsson Mobile has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the '783 Patent to the injury of Minerva. Defendant Sony Ericsson Mobile is thus liable for infringement of the '783 Patent pursuant to 35 U.S.C. § 271. Sony Ericsson has had actual notice of the '363 Application, which issued as the '783 Patent, since at least October 18, 2006.

65. Defendant Samsung has been and now is directly infringing, and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the ‘783 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, making, using, offering to sell, or selling mobile entertainment and communication devices covered by one or more claims of the ‘783 Patent to the injury of Minerva. Defendant Samsung is thus liable for infringement of the ‘783 Patent pursuant to 35 U.S.C. § 271. Samsung has had actual notice of the ‘363 Application, which issued as the ‘783 Patent, since at least October 18, 2006.

66. Defendants have actively induced and are actively inducing infringement of the ‘783 Patent and are liable for contributory infringement of the ‘783 Patent.

67. On information and belief, at least after the filing of the original Complaint, the Defendants have infringed and continue to willfully infringe the ‘783 Patent.

68. As a result of these Defendants’ infringement of the ‘783 Patent, Minerva has suffered monetary damages in an amount not yet determined, and will continue to suffer damages in the future unless Defendants’ infringing activities are enjoined by this Court.

69. Unless a permanent injunction is issued enjoining these Defendants and their agents, servants, employees, attorneys, representatives, affiliates, and all others acting on their behalf from infringing the ‘783 Patent, Minerva will be greatly and irreparably harmed.

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PRAYER FOR RELIEF

WHEREFORE, Minerva respectfully requests that this Court enter:

1. A judgment in favor of Minerva that Defendants Motorola, Inc., Nokia Inc., Alltel Communications, Inc., AT&T Mobility, LLC, Dobson Cellular Systems (d/b/a Cellular One), HELIO LLC, Hewlett-Packard Company, MetroPCS Wireless, Inc., Sprint Spectrum L.P., Nextel of Texas, Inc., Nextel South Corp., Nextel of New York, Inc., Nextel Communications of the Mid-Atlantic, Inc., Nextel of California, Inc., Nextel West Corp., T-Mobile USA, Inc., TracFone Wireless, Inc., Cellco Partnership (d/b/a Verizon Wireless), Virgin Mobil USA, LP, High Tech Computer Corp., HTC America, Inc., Kyocera Wireless Corp., LG Electronics MobileComm U.S.A., Inc., Palm, Inc., Pantech Wireless, Inc., Sanyo North America Corporation, UTStarcom, Inc., Sony Ericsson Mobile Communications (USA), Inc., and Samsung Telecommunications America LLC have infringed, directly, and/or indirectly, by way of inducing and/or contributing to the infringement of the ‘783 Patent, and that such infringement was willful;

2. A permanent injunction enjoining Defendants Motorola, Inc., Nokia Inc., Alltel Communications, Inc., AT&T Mobility, LLC, Dobson Cellular Systems (d/b/a Cellular One), HELIO LLC, Hewlett-Packard Company, MetroPCS Wireless, Inc., Sprint Spectrum L.P., Nextel of Texas, Inc., Nextel South Corp., Nextel of New York, Inc., Nextel Communications of the Mid-Atlantic, Inc., Nextel of California, Inc., Nextel West Corp., T-Mobile USA, Inc., TracFone Wireless, Inc., Cellco Partnership (d/b/a Verizon Wireless), Virgin Mobil USA, LP, High Tech Computer Corp., HTC America, Inc., Kyocera Wireless Corp., LG Electronics MobileComm U.S.A., Inc., Palm, Inc., Pantech Wireless, Inc., Sanyo North America Corporation, UTStarcom, Inc., Sony Ericsson Mobile Communications (USA), Inc., and Samsung Telecommunications America LLC and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them from infringement, inducing the infringement of, or contributing to the infringement of the ‘783 Patent.

3. A judgment and order requiring Defendants Motorola, Inc., Nokia Inc., Alltel Communications, Inc., AT&T Mobility, LLC, Dobson Cellular Systems (d/b/a Cellular One), HELIO LLC, Hewlett-Packard Company, MetroPCS Wireless, Inc., Sprint Spectrum L.P., Nextel of Texas, Inc., Nextel South Corp., Nextel of New York, Inc., Nextel Communications of the Mid-Atlantic, Inc., Nextel of California, Inc., Nextel West Corp., T-Mobile USA, Inc., TracFone Wireless, Inc., Cellco Partnership (d/b/a Verizon Wireless), Virgin Mobil USA, LP, High Tech Computer Corp., HTC America, Inc., Kyocera Wireless Corp., LG Electronics MobileComm U.S.A., Inc., Palm, Inc., Pantech Wireless, Inc., Sanyo North America Corporation, UTStarcom, Inc., Sony Ericsson Mobile Communications (USA), Inc., and Samsung Telecommunications America LLC to pay Minerva its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '783 Patent as provided under 35 U.S.C. § 284.

4. An award to Minerva for enhanced damages resulting from the knowing, deliberate, and willful nature of Defendants' prohibited conduct with notice being made at least as early as the date of the filing of the original Complaint, as provided under 35 U.S.C. § 284;

5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. §285 and awarding to Minerva its reasonable attorneys' fees; and

6. Any and all other relief to which Minerva may show itself to be entitled.

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DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

By: /s/ Marc A. Fenster
Marc A. Fenster, *pro hac vice*
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